

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 5,749,871

Issued: May 12, 1998

Inventors: Larry L. Hood and Antonio Mendez G.

For: METHOD AND APPARATUS FOR
MODIFICATIONS OF VISUAL ACUITY BY
THERMAL MEANS

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
UNDER 37 CFR 1.323

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant notes that the above-referenced patent contains a typographical error in column 12, lines 9 and 43 the word "thermokeratoplastic" should be replaced with "thermokeratoplasty". Applicant also notes that the Related U.S. Application Data contains a typographical error wherein "Pat. No. 5,523,999" should read "Pat. No. 5,553,999".

Correction of these errors do not involve change in the patent which would constitute new matter or require re-examination. Applicant hereby encloses a Certificate of Correction identifying the corrections to the patent. Also enclosed is a check in the amount of \$100.00 in connection with the fee required under §1.20(a). Please charge any additional fees or credit any overpayments to Deposit Account No. 09-0946.

03/06/2003 HLE444 00000129 5749871

01 FC:1811

100.00 OP

Atty. Docket No. 155660-0069
564637

A duplicate copy of the Fee Transmittal is enclosed for this purpose.

Respectfully submitted,

IRELL & MANELLA LLP

Dated: February 24, 2003

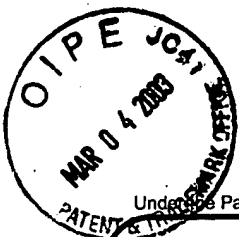
BEN YORKS
BEN YORKS
Reg. No. 33,609

840 Newport Center Drive
Suite 400
Newport Beach, CA 92660
Telephone: (949) 760-0991

CERTIFICATE OF MAILING

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with the United States Postal Service as First Class Mail with
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For Patents, Washington, D.C. 20231 on February 24, 2003.

Wendy Jones 2/24/03
Wendy Jones Date



MAR 12 2003

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
|--|---------------|---|-------------|
| Patent Number | 5,749,871 | Certificate of Correction MAR 10 2003 | |
| Date of Patent | May 12, 1998 | | |
| First Named Inventor | Larry L. Hood | | |
| Group Art Unit | | | |
| Examiner Name | | | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 155694-0011 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Request for Certificate of Correction 2. Form PTO/SB/17 |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|-------------------------|--|--|--|
| Firm or Individual name | Ben Yorks, Reg. 33,609 IRELL & MANELLA, LLP | | |
| Signature | <i>Ben Yorks</i> | | |
| Date | February 24, 2003 | | |

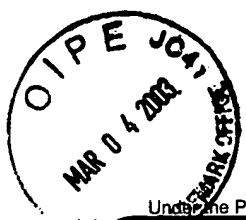
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February 24, 2003

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|-----------------------|--------------------|------|-------------------|
| Typed or printed name | Wendy Jones | | |
| Signature | <i>Wendy Jones</i> | Date | February 24, 2003 |

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 100.00

Complete if Known

| | |
|----------------------|---------------|
| Patent Number | 5,749,871 |
| Date of Patent | May 12, 1998 |
| First Named Inventor | Larry L. Hood |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 155694-0011 |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
09-0946

Deposit Account Name
Irell & Manella, LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | (\$) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | | Fee from below | | Fee Paid |
|--------------------|----------------------|--------------|----------------------|----------------|----------------------|----------------------|
| Total Claims | <input type="text"/> | -20** = | <input type="text"/> | X | <input type="text"/> | <input type="text"/> |
| Independent Claims | <input type="text"/> | -3** = | <input type="text"/> | X | <input type="text"/> | <input type="text"/> |
| Multiple Dependent | <input type="text"/> | | | | <input type="text"/> | <input type="text"/> |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | | (\$) |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---|----------|--------------|----------|--|--------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) Certificate of Correction Fee | | | | | 100.00 |
| *Reduced by Basic Filing Fee Paid | | | | SUBTOTAL (3) | (\$) 100.00 |

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|-----------|-----------------------------------|-------------------|-----------|--------------|
| Name (Print/Type) | Ben Yorks | Registration No. (Attorney/Agent) | 33,609 | Telephone | 949 760-0991 |
| Signature | | Date | February 24, 2003 | | |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,749,871
DATED : May 12, 1998
INVENTOR(S) : Larry L. Hood and Antonio Mendez G.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page.

Item [63], **Related U.S. Application Data**, change "Pat. No. 5,523,999" to
-- Pat. No. 5,553,999 --.

Column 12.

Lines 9 and 43, change "thermokeratoplastic" to -- thermokeratoplasty --.

Signed and Sealed this

Twenty-second Day of July, 2003

A handwritten signature in black ink, appearing to read "James E. Rogan", with a horizontal line drawn underneath it.

JAMES E. ROGAN
Director of the United States Patent and Trademark Office

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Title pg, Item [63],

Related U.S. Application Data, change "Pat. No. 5,523,999" to --Pat. No. 5,553,999--.



MAILING ADDRESS OF SENDER:

IRELL & MANELLA, LLP

840 Newport Center Drive, Ste 400

Newport Beach, California 92660

PATENT NO. 5,749,871

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